Complaint

A complaint is a specific allegation against one or more organisations, or the staff, for any wrong doing, unreasonable action or defective decision which affects and aggrieves the complainant either personally as an individual or collectively as a body corporate.

Direct Investigation

This refers to an investigation into matters of a systemic nature or wide community concern, initiated under section 7(1) of The Ombudsman Ordinance in the absence of a complaint.

Direct Investigation Assessment

This refers to the examination of an issue in the public interest or of community concern identified as a potential subject for direct investigation. Such assessment includes collection of background information, appraisal of the extent of public concern and consideration of any remedial action by the relevant authorities. This is sometimes dubbed "a mini direct investigation".

Discontinuation of Complaint

This refers to the cessation of inquiries into a complaint, under section 7(i) or section 11A of The Ombudsman Ordinance. This may be for the reasons set out in section 8 (read in conjunction with Schedule 2) or section 10 of the Ordinance identified after inquiries have commenced or such factors as insufficient information or evidence from complainants and lack of complainants' consent for access to their personal information.

Enquiry

An enquiry is a request to this Office for information or advice. It is not a complaint.

Full Investigation

This refers to an investigation initiated under section 7(1) of The Ombudsman Ordinance upon receipt of a complaint.

Incapable of Determination

This refers to the situation where a case is inconclusive at the end of a full investigation. No conclusion can be drawn on the complaint because the evidence is conflicting, irreconcilable, incomplete or lacking in corroboration from independent witnesses.

Glossary of Terms

Internal Complaint Handling Programme ("INCH")

This refers to a form of preliminary inquiries whereby a simple case is referred, with the consent of the complainant, to the organisation concerned for investigation and reply direct to the complainant, with a copy to The Ombudsman. In such cases, The Ombudsman may request the organisation to provide specific information in its reply, monitors the progress and scrutinises the reply, intervening where the reply is not satisfactory.

Investigation

This refers to an investigation under section 7(1) of The Ombudsman Ordinance. It may be a full investigation into a complaint or a direct investigation without a complaint.

Maladministration

This is defined in section 2 of The Ombudsman Ordinance. Basically, it means bad, inefficient or improper administration and includes: unreasonable conduct; abuse of power or authority; unreasonable, unjust, oppressive or improperly discriminatory procedures and delay; discourtesy and lack of consideration for an affected person.

Mediation

This refers to a voluntary process carried out under section 11B of The Ombudsman Ordinance where the complainant and the representative of the organisation concerned meet voluntarily to explore a mutually acceptable solution to a problem. Investigators from this Office act as impartial facilitators.

Outside Jurisdiction

This refers to the situation where an action is not subject to investigation by The Ombudsman by reason of section 8 read with Schedule 2 to The Ombudsman Ordinance.

Partially Substantiated

This refers to the degree to which an action / inaction / decision under complaint is found, at the end of a full investigation, to be within the meaning of "maladministration" as defined in section 2 of The Ombudsman Ordinance. If maladministration is found in only one or some of the aspects, the complaint is partially substantiated.

Potential Complaint

This refers to a complaint addressed to an organisation and only copied to The Ombudsman. Such cases are regarded as not meant for action at all or not for the time being. However, The Ombudsman may intervene if the organisation concerned fails to follow up appropriately.

Glossary of Terms

Preliminary Inquiries

These refer to inquiries conducted under section 11A of The Ombudsman Ordinance to determine whether a full investigation should be conducted.

Rendering Assistance/Clarification (“RAC”)

This refers to a form of preliminary inquiries under which this Office collects from the organisation under complaint all facts that appear to be relevant. If the facts fully explain the matter under complaint, the findings and observations will be presented to the complainant, with suggestions to the organisation concerned on remedial action and improvement, where appropriate. If further inquiry is called for, a full investigation will be conducted.

Restrictions on Investigation

These refer to the restrictions on investigation set out in section 10 of The Ombudsman Ordinance.

Substantiated

This refers to the degree to which the action / inaction / decision under complaint is found, at the end of a full investigation, to be within the meaning of “maladministration” as defined in section 2 of The Ombudsman Ordinance. If all aspects taken together show that there is maladministration, the complaint is substantiated.

Substantiated other than Alleged

This refers to the situation where The Ombudsman finds a complainant’s allegations to be unsubstantiated but in the course of investigation, discovers other aspects of significant maladministration. In such a case, The Ombudsman will criticise those other deficiencies, even in the absence of a specific complaint on those points, and conclude the case as substantiated other than alleged.

Unsubstantiated

This refers to the degree to which the action / inaction / decision under complaint is found, at the end of a full investigation, to be within the meaning of “maladministration” as defined in section 2 of The Ombudsman Ordinance. If no maladministration is found, the complaint is unsubstantiated.

Withdrawal of Complaint

This refers to a complainant voluntarily withdrawing a case. However, The Ombudsman may decide to continue the investigation if its nature or gravity should so warrant.